

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-431-MOC-DCK**

**U.S. COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

v.

**PRESTIGE CAPITAL ADVISORS, LLC, D2W
CAPITAL MANAGEMENT, LLC, and
TOBY D. HUNTER,**

Defendants,

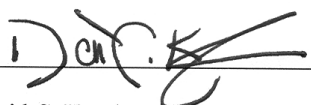
ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding scheduling. The undersigned observes that the “Pretrial Order And Case Management Plan” (Document No. 20) set this matter for a trial with a jury; however, neither the “Complaint...” (Document No. 2) nor the “Civil Cover Sheet” (Document No. 2-1) indicates that Plaintiff sought a jury trial. See Fed.R.Civ.P. 38 & 39.

IT IS, THEREFORE, ORDERED that a trial in this matter, if necessary, will be without a jury unless otherwise ordered by the Court. The trial is currently scheduled for **February 4, 2013**.

SO ORDERED.

Signed: September 24, 2012



David C. Keesler
United States Magistrate Judge

